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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,249	09/26/2001	Giovanni D'Agostini	02140-P0002A	8582

24126 7590 06/16/2004

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EXAMINER

WU, XIAO MIN

ART UNIT PAPER NUMBER

2674

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/963,249

**Applicant(s)**

D'AGOSTINI, GIOVANNI

**Examiner**

XIAO M. WU

**Art Unit**

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☒ Claim(s) 20-31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pertin (US Patent No. 6,031,525) in view of IBM-TDB (Scrolling keyboard for Three Key Input of Alphanumeric Characters, Vol.40 No. 02 February 1997, pp26-27).

As to claim 1, Perlin discloses an auto-writing system on monitor/screen, controlled by microprocessor characterized in that it provides: the replacement of the writing alphanumeric keyboard (14, Fig. 1a), with an auto-writing device including a movement sensor according to the X, Y, coordinates with respect to a surface (20), associated to the microprocessor (16) that controls the monitor/screen, in which: with predominantly vertical movement to the "Y" ordinates, allow changing the alphanumeric characters of interest, so that, when the movement stops or changes direction, the desired alphanumeric character remains on the screen; with predominantly horizontal movement, according to the abscissas "X" axis, in the sense of advancing writing, at least the addition of the alphanumeric characters is operated. For example, as Shown in Fig. 2 and 7, when the stylus is moving into a zone area 3 which is in a predominantly vertical movement to the "Y" ordinates, there are several characters such as p, f, n, l and x can be selected, when the stylus is further moving to the left horizontal direction, the character "f" is selected as an input character. It is noted that Perlin does not disclose the

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verticals movement allow changing in scrolling-way the alphanumeric characters of interest.

However, using scrolling-way to selected a group of characters of interest is well known in the art such as taught by IBM-TDB. It would have been obvious to one of ordinary skill in the art to have modified Perlin with the features of the scrolling-way for selecting a group of character of interest as taught by IBM-TDB because the scrolling-way of the IBM-TDB provides a simple way for selecting a group of characters of interest.

As to claims 2, 3, 17, Perlin discloses that the movement of the stylus provides the mode of the alphanumeric, punctuation and cancellation (or backspace, see col. 4, lines 1-29, and Figs. 3-6).

As to claim 4, Perlin discloses inputting a prefixed of the words existing in the dictionary such as employing 'quickwriting mode'.

As to claim 5, Perlin discloses the movement sensor small panel (14) is a "keypad".

As to claim 6, Perlin discloses the keypad (Fig. 2) is small. It would have been obvious to design the keypad being housed in the palm of the hand since the touch pad is designed for hand held device.

As to claim 7, Perlin discloses the movement of the input device is a stylus which is equivalent to a mouse.

As to claim 8, Perlin discloses that the input zone can be varied (see Figs. 3-6).

As to claim 9, Perlin discloses that the continuous movement of the stylus in upward, downward, forward and backward substantially forming a chart of the type with upwards and downwards oscillations whose direction variations correspond to determined characters (see Fig. 7).

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As to claims 10-15, it is obvious to use finger instead of stylus for inputting the characters through the touch pad because the touch pad comprises the touch sensor can sense the movement of both finger and stylus. Further, it is obvious to have used the keypad of Perlin as modified for a cellular-phone device because the keypad of Perlin as modified is suitable for a small character input device.

As to claims 16, 18, 19, Perlin further discloses a control microprocessor (16) and storage means (Fig. 1b).

***Allowable Subject Matter***

3. Claims 20-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The US Patents 4,458,238, 5,543,818, 5,748,512, 6,016,412, 6,094,197, 6,271,835, 6,295,052, 6,597,345 are cited to teach a keyboard input device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xiao Wu whose telephone number is (703) 305-4721.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (703) 305-4709.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

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**or faxed to:**

**(703) 872-9306**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377

xw

June 13, 2004



**XIAO WU  
PRIMARY EXAMINER  
ART UNIT 2674**